

TITLE REPORT

1. The undersigned, a Real Property Supervisory Officer, in the Real Estate Division, U. S. Army Engineer District, Seattle, hereby certifies that an examination of the records in this Division, pertaining to the acquisition by the United States of fee simple title and easement interests in the excess facility hereinafter described as being located approximately 210 feet south of West Spokane Street, 620 feet north of West Dakota Street, bordering Colorado Avenue on the west and being approximately 212.5 feet west of First Avenue South, in the City of Seattle, County of King, State of Washington, has been made. This facility is known as Headquarters, Seattle Region Military Subsistence Supply Agency, Washington, and was formerly known as the Seattle Quartermaster Market Center Cold Storage Plant.

2. On 18 November 1943 the Under Secretary of War approved Real Estate Directive No. 2696 which authorized fee acquisition (negotiation or condemnation) by the Government of 2.93 acres of land for construction of a cold storage warehouse; also two 40 foot roadways (0.20 and 0.52 acre easement areas) for ingress and egress to and from the facility off First Avenue South. By subsequent Real Estate Directive No. 7040 from the Assistant Secretary of the Army dated 16 December 1957 acquisition was authorized of that strip of land, approximately 1.25 acres, which surrounds the facility, to be acquired in fee simple title by either negotiation or condemnation.

3. The land now declared to be excess to the needs of the Department of the Army (Military Subsistence Supply Agency) constitutes the entire facility consisting of 4.14 acres fee and 0.72 acre of perpetual easement rights as above referenced and hereinafter described:

a. Tract No. 1 - Fee Simple Title.

That certain piece or parcel of land situate in King County, State of Washington, and more particularly described as follows: Beginning at the Northeast corner of Block 349, Seattle Tide Lands; thence south along the east boundary of said Block 349, a distance of 250 feet; thence west parallel to and 250 feet south of the north line of said Block 349, a distance of 252.5 feet to the true point of beginning; thence south 500 feet; thence west 255.5 feet; thence north 500 feet; thence east 255.5 feet to the true point of beginning, containing 2.93 acres, more or less.

Outstanding Interest: Subject to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines.

b. Tract No. 2-E - Easement.

A perpetual easement to locate, construct, operate and maintain an access roadway, transmission and pipe lines, and/or other facilities for

public utilities in, on, over, across and under a strip of land 40 feet in width in King County, Washington, described as follows: Beginning at the northeast corner of Block 349, Seattle Tide Lands; thence south along the east boundary line of said Block 349, a distance of 210 feet to the true point of beginning; thence west parallel to and 210 feet south of the north line of said Block 349, a distance of 212.5 feet; thence south parallel to and 212.5 feet west of the east boundary line of said Block 349, a distance of 40 feet; thence east parallel to and 250 feet south of the north boundary line of said Block 349, a distance of 212.5 feet to the east boundary line of said Block 349; thence north along said east boundary line of Block 349, a distance of 40 feet to the true point of beginning; containing 0.20 acre, more or less.

Outstanding Interest:

Subject to joint and common use by the Trustees of the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a Washington corporation, their successors, assigns and tenants.

c. Tract No. 3-E - Easement.

A perpetual easement to locate, construct, operate and maintain an access roadway in, over, across and upon a strip of land 40 feet wide in King County, Washington, having 20 feet of said width on each side of the following described center line: Beginning at a point in the west line of First Avenue South which point is 1090 feet south of the south line of West Spokane St.; thence west 212.5 feet; thence northwesterly along a curve to the right of 60 foot radius, through a central angle of 90°, 94.2 feet; thence north 260 feet; said parcel containing 0.52 acre, more or less.

Outstanding Interest:

Subject to joint and common use by the Trustees of the property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, their successors, assigns and tenants, and further subject to the following condition: If, at any time, the Trustees of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, their successors, or assigns, desire to relocate said roadway, they may relocate same at their own cost and expense, and in such manner as not to hamper or obstruct the full and complete use of said roadway by the United States of America, by executing and delivering to the United States of America a similar easement in writing covering the relocated roadway and strip, and extinguishing the prior easement over such portion of the above described 40-foot strip as does not lie within said relocated strip. Provided, however, that said relocated strip shall lie entirely within the boundaries of a tract of land described as: That portion of Government Lot 1, Section 18, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington, lying

South of the south line of said Block 349, West of the west line of First Ave. South, in the City of Seattle, and easterly of that certain tract of land conveyed to the Northern Pacific Railway Company by deed recorded in Volume 1741 of Deeds, Page 650, Auditor's file No. 2953477, records of said County.

All above tracts acquired by Declaration of Taking filed 25 April 1944 and Judgment on Declaration of Taking entered and filed 25 April 1944, in District Court of the United States for the Western District of Washington, Northern Division, No. 918. Just prior to the Declaration of Taking title to said described property was indefeasibly vested in fee simple of record in King County, State of Washington, subject to the Unrecorded contract of sale dated 3 December 1937, disclosed by the files in the office of the King County Treasurer, executed by said treasurer, as vendor, and Lambuth, Sill & Co., a Washington corporation, as vendee; the vendee's interest under which contract was assigned (by Assignment dated 15 December 1957, in said Treasurer's files) to Henry A. Scandrett, Walter J. Cummings and George I. Haight, as trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a Wisconsin corporation. (King County, Washington, and Chicago, Milwaukee and St. Paul & Pacific Railroad Co.) Copy of Final Judgment, Declaration of Taking No. 918, is inclosed.

d. Tract No. A-107 - Fee Simple Title.

A parcel in Block 349 of Seattle Tide Lands and in Government Lot No. 1, all in Section 18, Township 24 North, Range 4 East, Willamette Meridian, King County, Washington, described as: Commencing at the northeast corner of said Block 349; thence South along east boundary of said Block a distance of 210.00 feet; thence west parallel to and 210.00 feet south of the north line of said Block 349, a distance of 212.50 feet to the true point of beginning; thence south 470.00 feet; thence south 23°57'44" west 98.49 feet; thence west 285.50 feet to the west line of said Block 349 protracted southerly; thence north 560.00 feet; thence east 325.50 feet to the true point of beginning; EXCEPTING therefrom a parcel described as beginning at the northeast corner of said Block 349, a distance of 250.00 feet; thence west parallel to and 250.00 feet south of the north line of said Block 349, a distance of 252.50 feet to the true point of beginning; thence south 500.00 feet; thence west 255.50 feet; thence north 500.00 feet; thence east 255.50 feet to the said true point of beginning; containing 1.21 acres, more or less.

Outstanding Interests: Subject to existing easements for public roads and highways, public utilities, railroads and pipe lines, reserving, however, to the owner, its successors, assigns, and tenants, a right-of-way easement over and across the west 30 feet, provided that the United States of America shall be permitted to exercise necessary security control.

Acquired From: Chicago, Milwaukee, St. Paul & Pacific Railroad Company, under Declaration of Taking No. 4785, filed 13 February 1959, Judgment

Fixing Just Compensation, Ordering Funds on Deposit to be Paid and Providing for Deficiency Judgment, filed 1 May 1959, and Order Directing Payment of Deficiency Judgment filed 26 June 1959, all in the United States District Court, Western District of Washington, Northern Division, United States of America, Plaintiff, Vs. 1.21 acres of land, more or less, situate in King County, State of Washington, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, a Wisconsin corporation, et al. Copy of Declaration of Taking No. 4785 with Final Judgment is inclosed.

4. In addition to the documents described above, there was a Permit No. B-4579, dated 20 November 1947, from the City of Seattle, which covered 0.02 of an acre in Colorado Avenue near the East line of the street, 400 feet south of West Spokane Street. Referenced Permit (Tract 4-P) was terminated effective 26 July 1948.

5. On 20 April 1960 a Memorandum to the Assistant Secretary of the Navy (Materiel), subject: "DOD Proposed Inactivation of the Army Refrigerated Warehouse, Seattle, Washington," from the Assistant Secretary of the Army (Logistics), wherein it was proposed that the Army cold storage warehouse at Seattle be inactivated and that its function be absorbed by the Navy Supply Depot at Seattle effective 1 July 1960.

6. On 13 June 1960 the Acting Chief, Installation Division (Quartermaster Corps) by Disposition Form to the Office, Chief of Engineers, declared subject facility available for temporary non-Army use effective 1 August 1960 or as soon thereafter as Army stocks may be vacated. In the event of National Emergency, any lessee, upon request, will give first priority to the Military Subsistence Supply Agency for freezing and storage of perishable subsistence to extent of the entire capability of the facility. Therefore, effective 7 October 1960 an outlease No. DA(S)45-108-eng-507 was granted to the Commercial Refrigeration Co., a corporation of Washington, for a period of 20 years, covering the entire facility. On 30 November 1960 the Lessee incorporated and changed its name to Rainier Market Center Cold Storage, Inc. On 29 November 1961 there was an amendment to the outlease to delete Building T-402 by demolition. In accordance with the terms of the outlease there are and assignments of space at the facility.

American Wholesale (Utah Grocery)	2-1-61	-	1-31-66
Oscar Mayer & Co.	1-1-60	-	12-31-65
Arden Farms Co.	4-1-60	-	monthly
Bake N Serve (renewal)	3-15-64	-	3-14-65
Riches & Adams	5-1-61	-	monthly
Nalley's, Inc.	12-1-63	-	monthly
Foremost Dairies, Inc.	6-1-64	-	5-31-65

Copies of Lease No. DA(S)45-108-eng-507, as amended, were furnished 6 August 1964 with our Final Report of Excess, NPSRE-MD-285.

7. Jurisdiction Status:

a. Concurrent jurisdiction is vested in the United States in 2.93 acres fee (Tract No. 1) only. Concurrent jurisdiction over the fee, 2.93 acres was ceded to the United States by Sections 8108-1 through 8108-4, Remington's Revised Statutes of Washington of 1931, Annotated (1940 Pocket Supplement). Vesting of concurrent jurisdiction in the United States was effected by Notice of Acceptance issued by the Acting Secretary of War on 16 August 1944 and acknowledged by the Governor as of 22 August 1944.

b. Although the cession statute cedes concurrent jurisdiction over land acquired for various enumerated purposes (Sections 020 and 030, Chapter 4, Title 37, Revised Code of Washington 1951), notice of acceptance applicable to the 1.21 acres fee (Tract A-107) has not been issued by the Secretary of the Army as required pursuant to the Act of Congress approved 1 February 1940 (54 Stat. 19, U.S. Code Title 40, Section 255). That act provides that unless and until jurisdiction is accepted over lands acquired subsequent thereto, it shall be conclusively presumed that the United States has not accepted jurisdiction. The cession statute cedes jurisdiction over only lands, title to which has been acquired by the United States and does not include areas over which the United States has obtained lesser interests but title to which remains vested in parties other than the United States.

8. No known action, thing, or circumstance has occurred from the date of the acquisition of this property by the Department of the Army to the date of this Report which in any way affects or may have affected the right, title, and interest of the United States except as heretofore recited.

9. Custodian of original certificates of title and other related title evidence is The Judge Advocate General, Department of the Army, Washington, D.C.

10. On the basis of the foregoing it is the opinion of the undersigned that title to the lands declared to be excess to the needs of the Department of the Army, as described above, is vested in the United States of America, as of this date, clear of encumbrances and defects, or interests adversely affecting such title, except as hereinbefore noted.

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as

Robert S. Thorne

ROBERT S. THORNE
Chief, Management and Disposal Branch.
Real Estate Division

Dated: 31 AUG 1964